

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IN RE: PRACTICEFIRST DATA BREACH
LITIGATION

This Document Relates To: All Actions

Master File No. 1:21-cv-00790- JLS

NOTICE OF MOTION TO DISMISS AMENDED CONSOLIDATED COMPLAINT

PLEASE TAKE NOTICE THAT pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and Rule 7 of the Local Rules for the Western District of New York, Defendants Professional Business Systems d/b/a Practice*first* Medical Management Solutions and PBS Medcode Corp., by and through their respective counsel Beckage PLLC, hereby move this Court, the Honorable John L. Sinatra, at the U.S. District Court, 2 Niagara Square, Buffalo, NY 14202-3498, for an order dismissing Plaintiffs' First Amended Consolidated Complaint.

In accordance with Rule 7(b)(1) of the U.S. District Court Local Rules of Civil Procedure and this Court's order setting deadlines (Dkt. 15), any opposition papers will be filed and served by Plaintiffs on December 22, 2021, and any reply papers of the Defendants will be filed and served on January 5, 2022. Defendants intend to file and serve reply papers. Defendants request that the Court hear oral argument on their motion.

For the reasons set forth in the accompanying memorandum of law, the First Amended Consolidated Complaint should be dismissed in its entirety.

Dated: Buffalo, New York
November 22, 2021

Respectfully Submitted,
BECKAGE PLLC

/s/ Myriah Jaworski

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